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March 27, 2020

VIA ECF

Hon. Arlene R. Lindsay, U.S.M.J.
United States District Court
Eastern District of New York
814 Federal Plaza
Central Islip, NY 11722-4451

Re: Jordan v. JVR Car Wash, Inc., et al.
Case No.: 2:18-cv-2430 (SJF) (ARL)
MLLG File No.: 85-2018

Dear Judge Lindsay:

This office represents the Defendants¹ in the above-referenced matter. Defendants write to respectfully oppose Plaintiff's irresponsible application to this Court for a one (1) week extension of time because it fails to follow this Court's Individual Practices and because one (1) week is not enough time to square away this otherwise standard settlement based on Plaintiff's wholesale failure to realize he never finalized a settlement agreement which sat on his desk since March 9, 2020. An illustration of the events follows:

Draft Settlement Agreement

2/28/2020 – drafted by Defendants and served upon Plaintiff
3/4/2020 – revised by Plaintiff and served upon Defendants
3/4/2020 – further revised by Defendants and served upon Plaintiff
3/9/2020 – commented upon via email by Plaintiff with no revisions or further revised agreement
3/9/2020 – Defendants respond to comments and request further revised document from Plaintiff
3/27/2020 – Plaintiff has to date failed to deliver further revised agreement, 18 days later.

Draft joint motion for settlement approval

3/9/2020 – drafted by Plaintiff and served upon Defendants
3/9/2020 – revised by Defendants and served upon Plaintiff
3/13/2020 – revised by Plaintiff and served upon Defendants
3/25/2020 – revised by Defendants and served upon Plaintiff
3/26/2020 – accepted by Plaintiff and finalized (though Defendants did not receive a final draft)

For what it is worth, Defendants respectfully submit that it does not matter whose fault it is for the delay. However, when Plaintiff insisted that Defendants represent that it is their fault, your undersigned refused; that statement does not comport with reality based on the foregoing.

¹ Defendant Richard Campbell is not represented by undersigned counsel.

Our office advises employers in all aspects of labor and employment law. Due to the coronavirus pandemic, your undersigned has been tirelessly working with clients to give them the best advice and counsel in a constantly shifting environment both on the ground and in terms of the various laws that have passed and are in the process of passing. Needless to say, tensions have run high and your undersigned responded to Plaintiff abruptly as a result.

Notwithstanding the foregoing, Defendants respectfully submit a two (2) week extension is in order given the issues remaining in the settlement agreement, Plaintiff's inability to get along with your undersigned despite the fact this case has settled and inability to understand that he, himself, is the reason why we cannot timely submit the joint motion for settlement approval, and because your undersigned remains busy engaged with clients who desperately need counsel and advice due to the hardships they face as a result of the pandemic.

Defendants thank this Court for its time and attention to this matter and regret that the Court's involvement is even necessary to resolve this simple issue.

Dated: Lake Success, New York
March 27, 2020

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

_____/s_____
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